

SPECIAL EDUCATION EVALUATION AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

LONG TITLE**General Description:**

This bill requires a school or local education agency to communicate certain information with the parent or legal guardian of a student who may have a disability.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the State Board of Education to:
 - make rules regarding communication, within a specified time, with the parent or legal guardian of a student who may have a disability;
 - make rules to create a process to review certain violations; and
 - annually report certain violations to the Education Interim Committee; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-15-301, as last amended by Laws of Utah 2002, Chapter 82

ENACTS:

53A-15-310, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **53A-15-301** is amended to read:

53A-15-301. Education programs for students with disabilities -- Supervision by the State Board of Education -- Enforcement.

(1) (a) All students with disabilities, who are between the ages of three and 22 and

have not graduated from high school with a regular diploma, are entitled to a free, appropriate public education.

(b) For purposes of Subsection (1)(a), if a student with a disability turns 22 during the school year, the entitlement extends to the:

(i) beginning of the school's winter holiday for those who turn 22 on or after the beginning of the school year and before December 31; and

(ii) end of the school year for those who turn 22 after December 31 and before the end of the school year.

(c) The State Board of Education shall adopt rules consistent with applicable state and federal law to implement this chapter.

(2) The rules adopted by the state board shall include the following:

(a) appropriate and timely;

(i) identification of students with disabilities; and

(ii) communication, in accordance with Section 53A-15-310, with the parent or legal guardian of a student who may have a disability;

(b) diagnosis, evaluation, and classification by qualified personnel;

(c) standards for classes and services;

(d) provision for multidistrict programs;

(e) provision for delivery of service responsibilities;

(f) certification and qualifications for instructional staff; and

(g) services for dual enrollment students attending public school on a part-time basis under Section 53A-11-102.5.

(3) (a) The state board shall have general control and supervision over all educational programs for students within the state who have disabilities.

(b) Those programs must comply with rules adopted by the state board under this section.

(4) The state superintendent of public instruction shall enforce this chapter.

Section 2. Section **53A-15-310** is enacted to read:

53A-15-310. Communication regarding a student who may have a disability.

(1) As used in this section:

(a) "Board" means the State Board of Education.

(b) "IEP" means an individualized education program under the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

(c) "LEA" or "local education agency" means:

(i) a school district;

(ii) a charter school; or

(iii) the Utah Schools for the Deaf and the Blind.

(d) "School" means a public or private elementary or secondary school or charter school.

(e) "Section 504 accommodation plan" means an accommodation plan under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 701 et seq.

(f) "Student" means a child who:

(i) is enrolled in a school; or

(ii) (A) resides within the geographic boundaries of a school district; and

(B) is not yet eligible to enroll in a school due to age.

(g) "Student with a disability" means a student who is eligible for:

(i) an IEP;

(ii) a Section 504 accommodation plan; or

(iii) other special education accommodations that an LEA or school provides.

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules to:

(a) ensure that an LEA or school shall make the contact described in Subsection (2)(b) within 10 calendar days after the day on which:

(i) a student's parent or legal guardian:

(A) initiates a request with the LEA or school for an initial evaluation to determine if the student is a student with a disability; or

(B) informs the LEA or school that the student may be a student with a disability; or

(ii) the school otherwise becomes aware that a student may be a student with a disability;

(b) ensure that the LEA or school described in Subsection (2)(a) makes written and verbal contact, with the parent or legal guardian of a student described in Subsection (2)(a), that provides information regarding:

95 (i) the process of disability evaluation and provision of special education services to
96 the student, including the expected schedule for the process;

97 (ii) the eligibility requirements for special education services, including an IEP and a
98 Section 504 accommodation plan;

99 (iii) the contact information for the agent of the school or LEA with whom the parent
100 or legal guardian should communicate;

101 (iv) any available resources relevant to the disability evaluation process; and

102 (v) rules related to the disability evaluation process that the board adopts; and

103 (c) create a process through which the board accepts and reviews complaints regarding
104 violations of the rules the board makes in accordance with this section.

105 (3) The board shall report to the Education Interim Committee regarding violations of
106 this section during or before the committee's September meeting each year.

Legislative Review Note

Office of Legislative Research and General Counsel